

REMARKS

Applicant has carefully reviewed the Office Action mailed on August 25, 2005 and has amended the application accordingly. Claims 1-20 were pending the application as the time of the Office Action. Applicant has amended Claims 1, 7 and 14 and has cancelled Claims 3-5, 9-11 and 16-18 without prejudice or disclaimer. Applicant further submits the following remarks for consideration:

U.S.C. 102(b) Rejection

The Examiner has rejected Claims 1-4, 6-10, 12-17, 19 and 20 as being anticipated by McKay (US Patent No. 2,372,678).

Applicant has amended Claims 1, 7 and 14 and cancelled Claims 3, 4, 9, 10, 16 and 17 without prejudice or disclaimer.

Applicant submits that McKay teaches that “a flexible tube whose lower end is embedded in a lead or other weight of spherical or other suitable shape adapted to rest on the bottom of the can in such a manner as to at all times hold the open end of the tube adjacent and free from said bottom for the entrance of paint”. (Pg. 2, Col. 2, Lines 69-75). Additionally, McKay describes changes that would be required to the liquid sprayers in order to use the sprayer is a suspended position. In this particular configuration, the described adapter and tank would be dispensed with and the nut and associated tube and the weight would be replaced with a hose coupling nut. (Page 3, Col. 1, Lines 63-68).

Applicant claims the use of a threaded nut operable to allow the fluid extraction tube to extend approximately through a center of mass of said metallic threaded nut. Applicant further claims the use of a weighting element which includes a bracket attached to the fluid extraction tube and a weight attached to the bracket wherein a center of mass of the weight is offset from a longitudinal axis of the fluid extraction tube.

Therefore, since McKay does not specifically claim a threaded nut or the use of a bracket nor an extraction device which extends approximately through a center of mass of the metallic

threaded nut or offset from a longitudinal axis, then Claims 1, 2 and 6 are allowable over McKay. Accordingly, Applicant respectfully requests allowance of Claims 1, 2 and 6 over McKay.

The Examiner has also rejected Claims 1, 5-7, 11-14 and 18-20 under 35 USC 102(b) as being anticipated by Braymer (US Patent No. 750,521).

Applicant has amended Claims 1, 7 and 14 to overcome the objections noted by the Examiner. Further, Applicant has cancelled Claims 4, 5, 11 and 18 without prejudice or disclaimer.

Applicant submits that Braymer teaches that a weight is attached to the lower end of the tube which serves to insure rotation of the tube when the reservoir is tilted. With this arrangement, it is understood that when the atomizer is tilted so that the upper part of the tube is inclined the weight will cause the lower end of the tube to swing around to the lowermost point of the bottom corner of the reservoir.

Braymer does not specifically teach that the use of a threaded nut or a bracket comprising a weight attached to the fluid extraction tube. Generally, Braymer simply describes the use of a weight attached to the tube capable of causing the tube to rotate to the bottom of the atomizer. Therefore, in light of the teachings of Braymer, Applicant submits that independent Claims 1, 7 and 14 are patentable over Braymer and as such all dependent claims are patentable over Braymer.

The Examiner has further rejected Claims 1, 2, 6-8, 12-15, 19 and 20 under 35 U.S.C. 102(b) as being anticipated by Wilson (US Patent No. 3,195,788)

Applicant has amended Claims 1, 7 and 14 to overcome the objections cited by the Examiner.

Wilson describes a clamping means which is used for purposes of deforming the extraction tube to provide an even flow. By adjusting the clamping means, the flow can be controlled regardless of the size of tube that is used. Because the clamping means in and of itself is heavy it also serves as a weight in such a manner that the end of the tube is held against the bottom of the container so that substantially the entire supply of fluid in the container can be

dispensed. Wilson does not teach the use of a threaded nut or bracket comprising a weight. Therefore, Claims 1, 7 and 14 and the corresponding dependent claims are allowable over Wilson.

Accordingly, Applicant respectfully requests allowance of Claims 1, 2, 6-8, 12-15, 19 and 20 over Wilson.

The Examiner has further rejected Claims 1, 2, 6-8, 12-15, 19 and 20 under 35 U.S.C. 102(b) as being anticipated by Knieriem, Jr. (US Patent No. 3,667,655).

Applicant has amended Claims, 1, 7 and 14 in order to overcome the objections cited by the Examiner.

Knieriem, Jr. describes the use of a weight which is attached to diptube on one end. Specifically, Knieriem, Jr. discloses a “weight which can be made from any relatively heavy, inert, substance such as metal, glass or ceramics.” (Col. 1, Lines 73-75). No where does Kneiriem, Jr. describe the use of a threaded nut for use in weighting a diptube to the bottom of a container. Additionally, Kneiriem, Jr. also does not specifically teach the sue of a bracket comprising a weight for use in holding the end of an extraction tube to the bottom of a container. Therefore, Claims 1, 2, 6-8, 12-15, 19 and 20 are distinguishable over Knieriem, Jr. and Applicant respectfully requests allowance of the Claims.

U.S.C. 103(a) Rejection

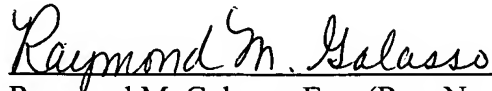
The Examiner has rejected Claims, 3, 9, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson in view of Knieriem, Jr.

The Examiner has further rejected Claims 3, 4, 9, 10, 16 and 17 under 35 U.S.C. 103(a) as being unpatentable over Knieriem, Jr. in view of Banach (U.S. Patent No. 6,375,092).

Applicant has cancelled Claims, 3, 4, 9, 10, 16 and 17 without prejudice or disclaimer.

In light of the amendments and the attached remarks, Applicant believes this application is in condition for allowance and respectfully requests early allowance. Should the Examiner

wish to discuss this matter by telephone in order to further advance the prosecution of this Application, Applicant invites the Examiner to contact the undersigned attorney at (512) 306-8533 at the Examiner's convenience.



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